

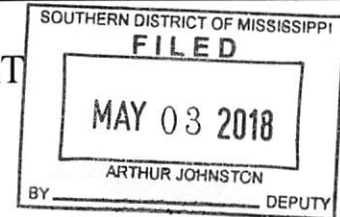
Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____



Case No.

1:18cv152 HSO-JCG
 (to be filled in by the Clerk's Office)

David Gray

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

(See attached - page (1-a))

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
 (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Defendants

Hon. Mr. Phil Bryant, Governor, State of Mississippi

Hon. Mr. Jim Hood, Attorney General, State of Mississippi

Lt. Mr. Brian Richardson, Mississippi Bureau of Investigations

Mr. Christopher Freeze, Federal Bureau of Investigations

Mr. Andy Gipson, M.D.O.C. Task Force

Mr. Bill Kinkade, chairman, House Corrections Committee, M.D.O.C.

Mr. Carl Mckens, Vice chairman, M.D.O.C. Corrections

Mr. Andy Tagard, Co-chairman, M.D.O.C. Task Force

Mr. Roun S. McNeal, M.D.O.C. Corrections Committee

Mr. Anthony Lawrence, III, District Attorney, Greene Co., Mississippi

Mississippi Ethics Commission

Mr. Marshall Fisher, Former M.D.O.C. Commissioner

Ms. Pelicia Hall, M.D.O.C. Commissioner

Mr. Jerry Williams, M.D.O.C. Deputy Commissioner

Mrs. Jaquelyn Banks, Superintendent, SMCI

Mr. Andrew Mills, Warden, SMCI-I and SMCI-II

Mr. David Turner, Former Warden, SMCI-II

Ms. Doctor G. Woodland, SMCI-II Infirmary

Mr. James Cooksey, Corrections Investigation Division, SMCI-I and II

Mr. Houston, Corrections Investigation Division, SMCI-I and II

Mr. Joseph Cooley, Administrative Remedy Program Investigator, SMCI-I and II

Mrs. Captian Evans, SMCI-II

Ms. Jane Doe, SMCI-I and 2 C.I.D.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

David Randolph Gray, # 01440

All other names by which
you have been known:

SMCI-2, Delta 1, A Zone, Bed # 27

ID Number

Post office Box 1419

Current Institution

Leakesville, Mississippi 39451-1419

Address

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Mr. Hon. Phil Bryant

Job or Title (*if known*)

Governor, State of Mississippi

Shield Number

Post office Box 139

Employer

Jackson, Mississippi 39205

Address

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 2

Name

Hon. Mr. Jim Hood

Job or Title (*if known*)

Attorney General, State of Mississippi

Shield Number

Post office Box 220

Employer

Jackson, Mississippi 39205

Address

City

State

Zip Code



Individual capacity



Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name

Lt. Mr. Brian Richardson

Job or Title (if known)

Mississippi Bureau of Investigations

Shield Number

35 J.M. Tatum Drive

Employer

Hattiesburg, Mississippi 39401

Address

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 4

Name

Mr. Christopher Freeze

Job or Title (if known)

Federal Bureau of Investigations

Shield Number

1220 Echelon Parkway

Employer

Jackson, Mississippi 39213

Address

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

The Due Process of the 8th, 14th (1) Amendments to the U.S. Constitution, as well as Section 28 of the Mississippi State Constitution - the due process clause of -

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Section B- The Defendants:

Defendant No 5

Mr. Andy Gipson

M.D.O.C. Task Force

414 Holly Grove Circle

Braxton, Miss. 39044

☒ Individual Capacity ☒ official Capacity

Defendant No. 6

Mr. Bill Kinkade

Chairman, House Corr. Committee

633 North State Street

Jackson, Mississippi 39202

☒ Individual Capacity ☒ official Capacity

Defendant No. 7

Mr. Carl Mickens

Vice chairman, Corrections

Post office Box 427

Brooksville, Miss. 39739

☒ Individual Capacity ☒ official Capacity

Defendant No. 8

Mr. Andy Tagard

Co-chairman, MDoc Task Force

633 North State Street

Jackson, Miss. 39202

☒ Individual Capacity ☒ official Capacity

Defendant No. 9

Mr. Raun S. McNeal

MDoc Corrections Committee

Post office Box 1435

Leakesville, Miss. 39451

☒ Individual Capacity ☒ official Capacity

Defendant No. 10

Mr. Anthony Lawrence, III

District Attorney, Green Co. Miss.

Post office Box 1756

Pascagoula, Miss. 39568-1756

☒ Individual Capacity ☒ official Capacity

Defendant No. 11

Mississippi Ethics Commission

Post office Box 2746

Jackson, Mississippi 39225

☒ Individual Capacity ☒ official Capacity

Defendant No. 12

Mr. Marshall Fisher

Former MDoc Commissioner

633 North State Street

Jackson, Mississippi 39202

☒ Individual Capacity ☒ official Capacity

Section B - The Defendants:

Defendant No. 13

MS. Pelicia Hall

M.D.C. Commissioner

633 North State Street

Jackson, Miss. 39202

■ Individual and Official Capacity

Defendant No. 14

Mr. Jerry Williams

M.D.C. Deputy Commissioner

633 North State Street

Jackson, Miss. 39202

■ Individual and Official Capacity

Defendant No. 15

MS. Jaguelyn Banks

Superintendent, SMCI

Post office Box 1419

Leakesville, Miss. 39451-1419

■ Individual and Official Capacity

Defendant No. 16

Mr. Andrew Mills

Warden, SMCI-1 and 2

Post office Box 1419

Leakesville, Miss. 39451-1419

■ Individual and Official Capacity

Defendant No. 17

Mr. David Turner

Former Warden/SMCI-2

Post office Box 1419

Leakesville, Mississippi 39451-1419

■ Individual and Official Capacity

Defendant No. 18

MS. G. Woodland

Doctor, SMCI-2 Infirmary

Post office Box 1419

Leakesville, Miss. 39451-1419

■ Official Capacity

Defendant No. 19

Mr. James Cooksey / SMCI

Chief Corrections Investigation Division

Post office Box 1419

Leakesville, Miss. 39451-1419

■ Individual and Official Capacity

Defendant No. 20

Mr. Houston / SMCI

Corrections Investigation Division

Post office Box 1419

Leakesville, Miss. 39451-1419

■ Individual and Official Capacity

- Section B - The Defendants:

Defendant No. 21

Mr. Joseph Cooley / SMCI

AIR/P Investigator

Post office Box 1419

Leakesville, Miss. 39451-1419

■ Individual and Official Capacity

Defendant No. 22

Mrs. Evans

Captain, SMCI-2

Post office Box 1419

Leakesville, Miss. 39451-1419

■ Individual and Official Capacity

Defendant No. 23

Mrs. Jane Doe / SMCI

Corrections Investigation Division

Post office Box 1419

Leakesville, Miss. 39451-1419

■ Official Capacity

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See attached pages - Section D -

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

South Mississippi Correctional Institute, Area 2
From 11-2016 to 2017

Page 4 (a). Section D - Continued:

(1)

On October 16th, 2016 plaintiff wrote a letter to the "Chief Criminal Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Ave. N.W., Washington, D.C. informing this Department of the unconstitutional and inhumane conditions and criminal activities being committed by the prison officials, as well as by the inmates, plaintiff mailed this letter to his Cousin Mrs. Barbara Dexter, 22008 Middleton Road, Caldwell, Idaho 83605-7914 for copying and the Original to be mailed to Chief Criminal Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Ave. N.W., Washington, D.C. 20530, and a copy of this letter mailed to each of the defendants listed below:

Hon. Mr. Phil Bryant	U.S. Commission on Civil Rights
Mr. Jim Hood	624 9 th St. N.W.
Mr. Bill Kinkade	Washington, D.C. 20425
Mr. Andy Gipson	A.C.L.U. of Mississippi
U.S. Commission on Civil Rights	F.B.I. Jackson, Miss.
Mr. Rawn McNeal	
Mrs. Felicia Hall	
Mississippi Ethics Commission	
Mr. Carl Mickens	
Mr. Andy Tagard	

Page 4 (a) Section D- Continued: (2)

None of the aboved defendants took plaintiffs' claims serious enough to take immediate action and correct any of the inhumane conditions and criminal activities being committed by the prison staff as well as the "Gang Members" housed here at the MDoc/SMCI-2 prison facility. See Statement of Claims.

On or about November 19th, 2017 the plaintiff wrote a letter to Mr. Jerry Williams, Deputy Commissioner of Institutions, 633 North State Street, Jackson, Mississippi, 39202, and plaintiff explained to him in dept detail as to the illegal activities on going here at the South Miss. Corr. Institute, Area 2 as well as the inhumane conditions, the criminal activities being committed constantly at this prison facility by both staff as well as by these Gang members on a daily basis, plaintiffs' Cousin Mrs. Barbara Dexter (Same as above) placed this letter to defendant Williams on or about October 12, 2017. Defendant Williams in stead of conducting an investigation himself, he sent the letter to defendant Cooksey, Chief Investigator, Corrections Investigation Division here at SMCI-Area 2. Defendant Cooksey and defendant Houston did come to see plaintiff on or about October 31st, 2017, questioned plaintiff about this letter written to defendant Williams but Nothing has been done to correct any of these inhumane

Page 4 (a) - Section D - Continued:

(3)

Conditions and the illegal and Criminal activities on going here at SMCI-Area 2 by Staff and these rouge thug Gang members. A copy was mailed to the following defendants:

Mr. Phil Bryant	Mississippi Ethics Commission
Mr. Jim Hood	Mr. Ron McNeal
Mr. Bill Kinkade	Mr. Carl Mickins
Mrs. Pelicia Hall	Andy Tagard
Mr. Andy Gipson	F.B.I. / Jackson, Miss.
U.S. Commission on Civil Rights	

All of the above named defendants have failed to correct any of the inhumane conditions and the Criminal Activity on going by the Prison Guards as well as by these gang members here at MDOC/SMCI, Area 2 in violation of plaintiffs' 8th and 14th (1) Amendments to the U.S. Constitution, as well as Section 28 of the Mississippi's Constitution. (See statement of claims.) None of the prison staff that works at SMCI, Area 2 is not trust worthy, they are corrupt!

Plaintiff filed a grievance (also known as a "Administrative Remedy Procedure - A/R/P") and turned it in to the Inmate Legal Assistance Program/ILAP on September 6th, 2017 concerning

Page 4 (a) - Section D - Continued

(4)

Why was plaintiff being punished by being housed in a unit (C-1) that had been placed on Lockdown Status, being denied the privileges plaintiff had earned as a "Medium out Restricted B-Custody inmate, denied all privileges associated with this custody level when plaintiff has not received a Rule Violation Report (R.V.R.) Since September 11th, 2011. Defendants Jacquelyn Bonkis nor Andrew mills gave this plaintiff an adequate explanation as to why he was being deprived of the privileges he had earned as a M.O.R.B. Custody inmate when in fact plaintiff has not received a R.V.R. to have his privileges taken from him, "No R.V.R. Since 9-11-2011."

Defendant Joseph Cooley, Mr. Cooley is the A/R/P Investigator/Administrator of the A/R/P program here at SMCI, Area 2. On November 8th, 2017 plaintiff wrote a letter to defendant Cooley, mailed this letter on 11-8-2017 through the I.L.A.P. office to defendant Cooley requesting information as to why plaintiff had not received a response to the A/R/P plaintiff filed through the I.L.A.P. office about the brutal assault on plaintiff by inmate Roy Lee (Not Christopher Hudson), Mr. Cooley never responded to plaintiff's letter dated 11-8-2017. Plaintiff never received step one or step two to this A/R/P filed by plaintiff on August 8th, 2017.

Page 4 (a) - Section D - Continued (5)

On October 29th, 2017 plaintiff wrote defendant Jacquelyn Banks a letter, sent her a hand written copy of the A/R/P Filed by plaintiff on 8/8/2017 explaining to her about the A/R/P programs' failure to adequately process this A/R/P, defendant Banks returned this letter and hand written A/R/P to plaintiff with a notation written on page one that all A/R/P's must be processed through the I.L.A.P. office, plaintiff had already done this. If defendant Banks would have done a investigation she would have discovered plaintiff had already done this per-policy.

Defendant Caption _____ Evans: On the early morning hours of July 21st, 2017 defendant Evans was in the Guard Tower inside of unit C-1 when inmate Roy Lee brutally assaulted plaintiff. Plaintiff went to the guard tower on B-Zone side of unit C-1 and informed her that he had just been brutally assaulted by (by at that time plaintiff thought it was inmate Christopher Hudson) but later found out that it was inmate Roy Lee. Defendant Evans told plaintiff to go to the Infirmary. Plaintiff did but before plaintiff exited the zone plaintiff told defendant Evans that the Administration was going to move him out of unit C-1 that day, she had plaintiff

Page 4 (a) - Section D - Continued (6)

moved from unit C-1 to unit B-1, another unit on lock-down where the Gang Violence was completely out of Control when in fact plaintiff had done nothing wrong to be housed in such a unpoliced unit by SMC I-2 staff. Defendant Evans did not do any kind of an investigation, did no incident report, wrote no Rule Violation Report on inmate Roy Lee per M.D.O.C. Policy No. 18.01-01, page 14, C-8. for the brutal assault perpetrated by inmate Roy Lee on plaintiff.

on the early morning hours of July 21st, 2017 plaintiff saw Warden and defendant Turner in the infirmary and defendant Turner did see plaintiff's face. Plaintiff had in the past written letters to defendant Turner about the amount of Contraband in unit C-1 on B-Zone and the high level of gang assaults happening on B-Zone, Nothing was never done about it, so defendant Turner knew plaintiff. Plaintiff did request to talk to him about the brutal assault perpetrated upon plaintiff by inmate Roy Lee but defendant Turner brushed plaintiff off and would not speak with plaintiff even after he had seen the horrible condition plaintiff's face was in. Defendant Turner was in Violation of M.D.O.C. Policy No. 03-01.

Page 4(a) - Section D - Continued (7)

On September 17th, 2017 plaintiff wrote defendant Houston a letter requesting any information that he could provide plaintiff with concerning the brutal assault perpetrated on plaintiff by inmate Roy Lee. Shortly after the assault, maybe on July 22nd, 2017 defendant Houston and defendant Jane Doe came to see plaintiff, defendants Houston and Jane Doe was suppose to have been investigating the brutal assault on plaintiff by inmate Roy Lee (but at the time of the assault plaintiff thought it was inmate Christopher Hudson) but later found out it was not inmate Hudson, instead it was inmate Roy Lee. When plaintiff found out that it was not inmate Hudson and that it was inmate Roy Lee plaintiff wrote defendant Houston and informed him of this newly discovered evidence but defendant Houston called unit D-1 Case manager Mrs. Brenda Gibson, had her call plaintiff to her office and relay a message by defendant Houston "that he did not work for me and was not obligated to tell me anything. It was defendant Houston that told plaintiff that after re-reviewing plaintiff's medical file he was sure he had enough evidence to present to the Greene County District Attorney to get "aggravated assault charge" brought against inmate Roy Lee, this is what plaintiff's letters on 9-17-2017 and

Page 4 (a) - Section D - Continued (8)

on October 10th, 2017. The morning plaintiff placed defendant Houston's letter in the mail on 10-10-2017 it was later this the same day Unit D-1 Case Manager Mrs. Brenda Gibson Called plaintiff to her office and relayed defendant Houston's message about him not working for the plaintiff, defendant Houston never spoke to the Greene County District Attorney about charges being filed against inmate Roy Lee for the unprovoked brutal assault he perpetrated upon the plaintiff on July 21st, 2017.

Defendant Cooksey: Shortly after defendant Williams received the letter I had written to him in the month of September 2017, defendants Cooksey and Houston did come to see plaintiff on October 31st, 2017 to discuss the letter plaintiff had written to defendant Williams. This conversation was suppose to have been allegedly recorded but it just so happened the batteries in defendant Cooksey's recording device was dead, be as it was the conversation was not recorded. Not much was said, nothing was or has been done by Chief Investigator and defendant Cooksey pertaining to the letter and contents written to defendant Williams in the month of September 2017.

Page 4 (a) - Section D - Continued

(9)

Defendant Fisher: On January 29th, 2017 plaintiff wrote a letter to defendant Fisher - former M.D.O.C. Commissioner and explained to him about all of the illegal activities on going here at SMC I-2, placed this letter in the mail to defendant Fisher on January 30th, 2017. The day plaintiff placed this letter in the mail to defendant Fisher defendant Bryant assigned defendant Fisher to head the Department of Public Safety. Defendant Bryant then named defendant Hall as the New acting M.D.O.C. Commissioner. On February 8th, 2017 plaintiff changed the Heading of this letter written to defendant Fisher and addressed the exact same letter to the New M.D.O.C. Commissioner and defendant Pelicia Hall, placed this letter in the mail to her on February 8th, 2017. Never got a response and nothing was ever done concerning the contents of this letter.

Defendant Hall: On September 13th, 2017 plaintiff wrote defendant Hall a letter informing her once again about the amount of Contraband here at SMC I-Area 2, as well as questioned her about why plaintiff's privileges was being taken from him. Defendant Hall never responded to plaintiff's letter to her dated September 13th, 2017, plaintiff also informed defendant Hall about the level of gang violence on going here at SMC I, area 2 in unit C-1^{B Zone}, as well as in Unit B-1, A-Zone, No changes have been made -

Page 4 (a) - Section D - Continued

(10)

Defendant Lawrence: Back in the year of 2012 plaintiff was housed in unit 8, C Custody. In or around the month of May 2012 three Vice Lords brutally assaulted plaintiff, plaintiff did require medical attention. Plaintiff wrote defendant Lawrence informing him of this gang assault and did request that his office do an investigation and if possible prosecute these three (3) gang members under the R.I.C.O. Act. Defendant Lawrence never responded to this letter.

On October 18th, 2017 plaintiff wrote to defendant Lawrence about the brutal assault upon plaintiff by inmate Roy Lee, the lies defendant Houston, Investigator, C.I.D. here at SmcI, area 2 told plaintiff about presenting evidence to defendant Lawrence and to secure an indictment against inmate Roy Lee for the brutal assault he perpetrated upon plaintiff on July 21st, 2017. Defendant Lawrence never responded to this letter. Nothing has been done to inmate Roy Lee for the brutal attack and assault upon the plaintiff on July 21st, 2017. Plaintiff asked defendant Lawrence if defendant Houston had discussed with him the possibilities of securing an ~~a~~ indictment against inmate Roy Lee. Defendant Lawrence never responded to this letter. Nothing has been done to inmate Roy Lee for what he did to plaintiff on 7-21-2017.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

C. What date and approximate time did the events giving rise to your claim(s) occur?

"See Statement of Claims and Facts attached"

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

"See Statement of Claims, Facts - attached."

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Broken Nose, huge laceration above left eye, fracture under left eye socket. X-rays was taken, a special kind of Medical tape or Super Glue was used to pull together and hold together the huge laceration above plaintiff's left eye.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

(See Page(s) 5 (B) - VI attached.)

Page 5, (a), Section IV. C, and D.

(17)

The events described here after transpired from late 2016 up until September 2017. All of the facts, claims, dates, the things that happened to plaintiff, who did what, what they didn't do and who saw, and didn't see, all facts claims, and dates, are intermingled due to the course of events. Below plaintiff states his Facts and claims:

"Statement of Claims, and Facts"

Before plaintiff gets started plaintiff wants to let the Court know he is Bi-Sexual. There is a possibility that this fact may come out at some point and time throughout these proceedings, this way this fact will be no surprise to the Court. This will be brought up when plaintiff explains the facts about the assault on plaintiff on July 21st, 2017.

Paragraph One

Plaintiff has been housed here at SMCI-2 since October 2008. Out of these 9½ years never has the conditions of this prison facility been so deplorable. Staff smuggling huge amounts of contraband, i.e.

Page 5 (a) Section IV, C and D - Continued

(2)

Cell phones, cell phone chargers, tobacco, Spice, marijuana, Meth, Ice, power Cocaine, Crack Cocaine, Free world alcohol, and no telling what else. Due to the huge amounts of tobacco, and Spice, as well as Ice, the Staff Sell these drugs to the inmates, in return the inmates Sell it to the inmates and when the inmates Cannot pay for these drugs - usually it is gang members the inmate(s) are in debt to, when the inmate Cannot pay the gang members brutally assault the inmate and Stamp, Kick, and hit the inmate into a bloody disfigured mess, Plaintiff has seen this many of times. When the inmate Knows he Cannot pay some try to Catch out, " try to get moved to keep from being brutally assaulted by the gang members. Sometimes the Staff will move the inmate, at times they force the inmate to go back on the Zone with the full intent of knowing what the gang members is going to do to the inmate. Often times they let it be known the inmate tried to Catch out, only adds fuel to the brutal Assault. Cell phones, this prison system is floating in them here at SmCI-2. When the K-9 unit comes to the unit to do random security checks and shake downs, when cell phones are found the Administration puts the unit on lock down, the K-9 unit finds tobacco, an assortment of drugs among other Contraband. Not all inmates violate prison rules by peddling in Contraband yet because of the Contraband the Staff smuggle in, sell it to the Organization members, between the gang assaults, even the killing of inmates, the Administration punishes the entire unit because of their illegal

Page 5 (a) Section IV C, and D continued (3)

activities the inmates who violate no prison rules and regulations are punished. Plaintiff being one of these inmates. Plaintiff has been incarcerated since June 3rd, 1982 and knows more about how the Prison System is suppose to operate than these Gang member Prison Guards do. The Classification System does not screen these violent gang members, they just assign them a bed and when they clique up they dictate what goes on on the zones, hold their gang meetings, making all non-affiliated inmates go to the other side of the zone, doesn't matter if the inmate is asleep or not, they wake him up, if he refuses to get up and go to the other side of the zone they beat him unmercifully letting the others know if they refuse to comply the same will happen to them, and usually the guard tower officer allows these gang meets to take place. With all of the gang violence on going at this prison facility the local Community has gotten word via the local news, from family members that work here at SMC I-2, from inmates housed here, NO ONE wants to work at this prison facility, most every day SMC I-2 is short on staff, due to this fact the inmates may and may not get their one (1) hour outside recreational yard call. Plaintiff is a Dining Hall Worker, 95% of the time it is the inmates that run the feeding of the inmates, no supervisors to supervise the feeding of the inmates.

Page 5 (a) Section IV C, and D Continued: (4)

Paragraph Two:

In the month of July 2017 plaintiff was at that time working the breakfast shift under defendant Evans Supervision. One morning around maybe July 16th, 2017 plaintiff had some smoked Turkey Sausages he wanted to fry on the hot plate grill. Nearly every morning certain inmates were allowed to cook on grill #4 (usually these inmates were a part of a clique) but on this certain morning plaintiff asked inmate Glenn _____, if it would be OK if he cooked his 3-4 Sausages, he said to go on ahead and turn eye one on and let that particularly part of the plate gets hot, Cook them and clean the grill up. Well plaintiff did this but when inmate Robert Ludgood saw plaintiff cooking on grill 4 he began to tell plaintiff No one will be cooking on the grill today as if he owned the grill. Plaintiff told inmate Ludgood, "Oh, it is OK for others to cook on the grill but I can't, next thing plaintiff knew inmate Ludgood grabbed plaintiff by his head (arm around plaintiff's neck) and hit plaintiff 3 times in the top of his head. Ludgood was under the influence of alcohol. Only days before this incident happened plaintiff stood at the back of serving line 3 and saw inmate Ludgood take out of the cab of

Page 5 (a) Section IV C, and D Continued: (5)

the food truck coming from Central Kitchen huge amounts of Contraband, plaintiff saw inmate Ludgood receive large quantities of Contraband through the food truck on defendant Evans shift. Plaintiff wasn't going to say anything until inmate Ludgood assaulted plaintiff that morning in the back of the dining halls. Plaintiff did report this to defendant Evans. Plaintiff wrote to defendant Turner and told him about what he saw inmate Ludgood receiving off of the food delivery truck, nothing was done about this. It is Contraband such as inmate Ludgood was getting in via the early morning breakfast food truck that causes the inmates to be placed on lockdown. Inmate Ludgood was allowed by the staff to move about the compound freely selling cell phones, cell phone chargers, tobacco, Spice, Marijuana, Meth, Ice, Powder and Crack Cocaine as well as free world alcohol unimpeded. Then on July 21st, 2017 plaintiff was woken up out of his sleep at approximately 1:30 AM by inmate Roy Lee (at that time plaintiff thought it was inmate Christopher Hudson but later found out it was inmate Roy Lee, he insisted that he talk to me, plaintiff said to inmate Roy Lee Can't it wait, I have got to get up in about one hour and go to work, he insisted on talking to plaintiff right then, plaintiff asked him again "Can't it wait til I get up?" He said

Page 5 (a), Section IV C and D Continued (6)

No, I need to talk to you now, so plaintiff sat up on the edge of his bed (note that in the area where plaintiff slept it was very very dark, plaintiff did have sheets hanging up around his bed area so it was very dark, plaintiff slept all the way in the back of the zone (B) in unit C-1 on bed #175, as plaintiff sat up on the side of his bed before plaintiff could open his eyes good - shake the cobwebs out of his head inmate Roy Lee stepped up to plaintiff and began a vicious and brutal assault upon the plaintiff. breaking plaintiff's nose, causing a huge deep and wide laceration above plaintiff's left eye and causing a fracture under plaintiff's left eye. Inmate Roy Lee hit plaintiff multiple times in his head. Plaintiff does not know if inmate Roy Lee had any kind of a device or weapon in his hands, when inmate Roy Lee broke plaintiff's nose it threw plaintiff's coordination completely off. By the time inmate Roy Lee was through plaintiff's bed area was a bloody mess. Plaintiff had blood all over him, he went and took a shower, went back to his bed area, got dressed and started packing his things, the Administration was going to move plaintiff out of that zone and building before plaintiff did something very

Page 5 (a) Section IV C, and D continued: (7)

badly he surely would not have regreted against inmate Roy Lee. As plaintiff was packing his things he was talking to the inmate that slept on bed #147, Glenn _____, the same Glenn that worked in the dining halls with plaintiff, he told plaintiff that defendant Evans was in the guard tower there in C-1, how convenient - because plaintiff had wrote to defendant Turner and pleaded with him to bring a shake down crew down to unit C-1, B-Zone and get all of them cell phones and other contraband out of the zone so plaintiff would not be punished because of the contraband the staff was smuggling in that was causing gang assaults on the inmates, K-9 coming to the unit, doing random security checks, and shakedowns, finding contraband and thereby causing the corrupt Administration to keep the unit on lock down. Strange that defendant Evans just so happened to be in the Guard Tower in C-1 when inmate Roy Lee brutally and viciously assaulted plaintiff. Plaintiff was told by other inmates that was on B-Zone with plaintiff that the lie Roy Lee was going to tell the guards that I was sitting on the toilet, he came into the rest room to urinate and as he walked by plaintiff plaintiff touched him on his buttocks - which

Page 5(a) Section IV C, and D continued (8)

Was a lie. Plaintiff was later told that the reason inmate Roy Lee did what he did to plaintiff was because plaintiff had written to the folks about the Cellphones that was on the Zone and that inmate Roy Lee was paid by the Coward gang members to do what he did to plaintiff. Defendant Evans told plaintiff to go to medical to which plaintiff did, everything inmate Roy Lee did to plaintiff's face is documented in the Computer in the infirmary by Doctor/defendant Ms. B. Woodland. Defendants Turner, Houston, and Jane Doe also saw the condition of plaintiff's face. Other medical staff also saw the brutality of what inmate Roy Lee did to plaintiff's face. Note that the plaintiff was 63 years old at the time of this brutal and Savage and Vicious attack on the plaintiff by inmate Roy Lee. Plaintiff had the nerve to speak up about the unconstitutional conditions being imposed not only upon plaintiff but many other inmates who had nothing to do with the Contraband on the Zone (B) in unit C-1, who leaked out the word about the letters plaintiff was writing to the Administration about the amount of Contraband on the Zone plaintiff does not know but it almost cost him his life. →

Page 5 (a) Section IV Section C, and D Continued: (9)

Defendant Evans rather than her moving plaintiff to either unit D-1 or to D-2 she moved plaintiff to unit B-1, A-Zone, a unit that had been on lock down for atleast 6 months and a unit infested with Gang Bangers on A-Zone. many inmates were brutally assaulted by gang members and the Administration did nothing to the gang members. Defendant Evans moved plaintiff to unit B-1 A Zone as a form of her punishment, punishment because plaintiff had written to defendants Hall, Williams, Banks, Turner, and Cooksey and told them that the Bulk of the Contraband is coming in on the breakfast food truck on defendant Evans shift. Defendant Evans cannot say or claim she did not know this inmate Ludgood was receiving this Contraband, he was getting it in on her watch/shift. Defendant Evans has threatened plaintiff since the 7/2/2017 incident. Plaintiffs' son got moved from the George Co. Corr. Facility to SMCI-2 and the Administration moved plaintiff out of unit B-1 to unit D-1 where plaintiff is housed now but when Defendant Evans discovered that plaintiff was housed in D-1, one morning as plaintiff was coming back to his housing unit after eating breakfast his son was standing in dining hall door 1 motioning for plaintiff to come over to where he was

Page 5 (a) Section IV C, and D Continueds (10)

at and plaintiff shook his head side ways and pointed to defendant Evans standing on the back porch. When she saw plaintiff pointing at her she made all kinds of negative threats to plaintiff stating that she did not know what plaintiff told the folks to get out of B-1, and that plaintiff best watch himself because he did not want to cross her. Just goes to show she had plaintiff moved to unit B-1 A-Zone full of gang members as a means of punishment hoping the gang members in unit B-1 on A-Zone would gang bang plaintiff. Since the incident that happened to plaintiff on 7/21/2017 she has not called plaintiff back to work on her shift, further belief to plaintiff that she is the one that had inmate Roy Lee to assault plaintiff the way he did because plaintiff wrote to nearly all of the defendants telling them the contraband is coming in on her watch/shift and that it most likely was port hers. She is dirty and corrupt and a organization member herself (a gangster).

(Paragraph Three)

Plaintiff has done all he knows how to do to bring attention to this prison facility and the illegal and

Page 5 (a) Section IV C, and D continued: (11)

unconstitutional and inhumane conditions on going at this prison facility being perpetrated upon the inmates by these corrupt staff members and these gangs that is out of control. This is why no one wants to work at this prison facility. The level of gang violence is out of control. They are beating inmates so bad they are dying and the administration lies about what has happened to them. SMC2-2 stays short on staff to adequately operate this prison facility. The staff openly allow inmates to run the compound selling their drugs. Inmate Ludgood was shook down, all kinds of contraband was found in his locker box, all the staff did to him was move him from unit B-2 to unit A-2. He is still allowed to ~~work~~ roam the compound selling drugs, still working in the dining halls, plaintiff did nothing wrong to lose his job in the morning yet Ludgood steals all kinds of food items out of the dining halls, nothing is done to him. SMC2-2 staff do not adhere to M.D.C. policies, especially when it comes down to classification of the inmates, inmates that are classified to work in the dining halls cannot work because the staff have the gang members up there running from unit to unit selling their drugs. This a corrupt system and it is going to take the Federal

Page 5 (a) Section IV C, and D Continued: (12)

Court to straighten it out. The over all conditions at SMCI-2 is appalling. On February 3rd, 2018 a major shake down was conducted at SMCI-2. To verify plaintiffs' claims and facts about the amount of illegal contraband found inside of these prison fences issue an order for M.D.O.C. to produce its report with pictures. During the process of the shake down two (2) female staff members was caught with contraband (illegal) on themselves. Regardless of the amount of illegal contraband found during this shake down it has not slowed down the amount of contraband coming into SMCI-Area 2. The corrupt prison officials is still smuggling it in. There is no shortage of tobacco or drugs at SMCI-2. The back area of the dining halls is not fit to feed dogs out of, M.D.O.C. cannot say it meets federal or state code, the entire prep room is in shambles, no way to sanitize the food trays, mere washing food off the food trays ^{with tap water} does not meet federal or state code. There is inmates at this prison facility with full blown Aids, among other life threatening diseases. 90% of the pressure washers does not work, the food heating boxes does not work, the prep room in Area 2 dining halls is a pig pen. A unannounced inspection will verify this.

Referring back briefly to the brutal and vicious attack on plaintiff on July 21st, 2017, inmate Glenn _____ that slept on bed 177 in C-1, B-Zone saw

Page 5 (a) Section ~~IV~~ C, and D Continued: (13)

inmate Roy Lee leave right after he brutally and viciously assaulted plaintiff. He is ~~the~~ one of the inmates that told plaintiff he had the wrong man. Inmate Glenn _____ did not say it was Roy Lee but did say plaintiff had the wrong man - referring to inmate Christopher Hudson.

In September of 2017 plaintiff was transported to Hattiesburg, Mississippi to see a Ear, Mouth, and throat Specialist to determine whether bone reconstructive surgery would be required. A Cat Scan revealed that reconstructive bone surgery would not be required. Plaintiff reset his nose within less than 5 minutes after seeing it knocked far to his right side of his face, it hurt but it was something that had to be done.

All of the above stated claims and facts can be verified if the Federal Court will get involved. Many Many Many witnesses will testify to that everything the plaintiff has alleged is indeed true and fact!

End of Statement and Claims and facts.

S/ David Gray, #01440

Page 5 (B) Section VI (Relief) (1)

Federal Employees: Federal Employees are acting under Color of Federal Law.

State Employees: State Employees are acting under Color of State Law.

(Relief Requested)

- (1) Plaintiff request Appointment of Counsel due to the Complex issues of this case to include the neglect of Certain Heads of State, as well as Federal. (See Motion For Appointment of Counsel attached.)
- (2) Plaintiff request that this Honorable Court take into Consideration the age of Plaintiff when considering the magnitude and degree of the brutality and viciousness of the assault upon plaintiff by inmate Roy Lee.
- (3) That the defendants failed to take this fact into Consideration, did not follow M.D.O.C. Policies and Procedures, by not doing a incident report, did no investigation, or write inmate Roy Lee a Rule violation Report pursuant to M.D.O.C. Policy 18-01-01, page 14, C-5; defendants Hall, Williams, Banks, Turner, Cooksey, Houston and Evans took No steps to investigate and get to the truth as to why inmate Roy Evans brutally assaulted plaintiff on July 21st, 2017 at approximately 1:30 AM.

Page 5 (B) Section VI (Relief-Continued) (2)

(4) Plaintiff request this Honorable Court to hold each defendant accountable for the dilapidated Conditions of SMCI-2, not adequate staff to properly operate the daily functions of this prison facility, e.g. lack of guards, failure to curb via the M.D.O.C. Classification Department to screen inmates concerning whether or not they are gang affiliated, their history of gang violence before placing them in a housing unit among men who are non-violent and are well up in their years of age such as plaintiff, and that M.D.O.C./defendant Hall through the classification Department, henceforth screen each inmate to determine whether or not they are gang related, and their level of gang participation violence and if they have a history of such then they be sent to a prison facility (Mississippi State Penitentiary) unit 29 lockdown and place these violent inmates under close-confinement observation to determine whether or not they can be released back into the General Prison Population. This close-confinement observation period be up to the M.D.O.C. Classification Committee Officer, i.e., unit Case Manager.

(4-a.) if the inmate is released back into the General Prison Population and he engages in any kind or type of gang activity he be returned to unit-29, or unit 32 for a period not to exceed five (5) years (or)

until the unit classification officer deems that the inmate no longer poses a Security Threat to the inmate population.

(5) That through the Governor's office, whatever steps needed to be taken more funds be allocated to M.D.O.C. to hire and train additional guards even if it requires raising their Salaries as well as their benefits to guarantee them a promising future in the Field of Corrections, (and if they are gang related to any organization they not be hired by M.D.O.C. to work as a Prison Guard.)

(6.) (Privileges) That M.D.O.C./defendant Hall Make sure that any and all privileges earned by a inmates classification Custody be it daily out side recreation 5 days a week Weather permitting, his visitation, access to phone use daily, his Canteen privilege, the right to participate in religious services, or any other privilege the inmate may have earned (minus any disciplinary sanctions for violating prison rules/regulations the inmate not be denied his privileges he has earned through good behavior just because other inmates have violated prison rules, punish the Violators, Not the Non-Violators.

(7.) M.D.O.C./defendant Hall and Banks be directed not to place anymore Prison Units here at SMCI-Area 2 on

Page 5 (B) Section VI (Relief-Continued) (4)

lockdown because of the Conduct of the Prison Staff by smuggling in drugs, selling it to the inmates mainly the gang members, causing a disruption of the orderly operations of SMCI-Area 2, if the inmates violate prison rules/regulations the proper investigation be Conducted, only the inmates involved be punished according to M.D.O.C. Policy and Procedures. If the inmate needs to be removed from the general prison population and be detained in a single cell the appropriate Detention Notice be filed, any incident reports that may need to be filed, as well as any subsequent Rule Violation Reports and let the Disciplinary Process take its Course.

(8) The Process of Feeding the inmates:

M.D.O.C./defendants Bryant, Hall, Williams, and Banks issue the appropriate Orders that the SMCI-2 Dining Halls-Prep-Room Area Be Sand Blasted, repainted, all defective appliances be replaced, all defective plumbing be repaired, all pots and pans be replaced (on March 28, 2018 New Food trays), new Serving utensils, all heating tables be replaced or repaired, if the SMCI-2 Administration intends to Continue to Feed inmates in their housing units they be Ordered to buy the proper Stainless Steel Heat Carts to Cart the food to their Housing units, place Fans in the Prep-Room Serving Area of the Dining Halls or the appropriate A/c be installed in the Prep Room Area and that some kind of Roach and Fly Control be

Page 5 (B) Section VI (Relief-Continued) (5)

installed in the Prep Room Area as a insect Control. The appropriate Food Supervisors placed in the Prep Room Area in Area 2 to supervise the inmate workers and not inmates supervising the feeding of the inmates. The Food Truck Coming From the Central Kitchen be Searched each time food is brought From the Central Kitchen to assure No Illegal Contraband is being smuggled From the Central Kitchen by the Food Truck Service employees, be searched by a Correctional Officer that will do his job and if he fails to do his job he be Fired immediately. And defendant Evans, and all dining hall Staff be replaced, they all are Corrupt - having inmates deal their drugs, the dining hall workers, i.e. gang Members! The dining halls be Scraped of old paint to help rid them of Mold growing inside of them. All locks on all 4 dining halls be replaced - outside doors. No inmate be allowed to work in the Prep Room/Dining Halls Area-2 if he is not classified to work in it if he is not classified by the M.D.C./SMCI-2 classification Officer and any Staff Member that deviates from this policy be removed permanently From working the Dining Halls/Prep Room Area. The proper tray washing machines be installed in the Prep-Room Area to adequately wash and Sanitize the new trays as well as the Hard Trays, mere washing the food off the trays with luke warm tap water is not sufficient enough to clean and Sanitize the trays.

Page 5 (B) Section VI (Relief-Continued) (6)

(9) M.D.O.C./SMCI-2 implement some kind of means for the Correctional Staff here at SMCI-2 be screened for the possible smuggling in illegal Contraband- or any other Contract employee entering on to SMCI-2 Prison Grounds. If any one caught smuggling illegal Contraband onto Prison Grounds and through the Correctional Investigation Division (C.I.D.) he/she be made to reveal the Source (who) and how he/she came in possession of said Contraband, then the appropriate legal action be taken against a Correctional Guard or a Contract employee.

(10) Defendant Evans, due to the fact she did no investigation or incident report or issue a Rule Violation Report in accordance to M.D.O.C. Disciplinary Policy S.O.B. #18-01-01, page 14, Section C-5, she be reassigned to Area One (1) and someone of her rank be put in her place here in Area 2. That (if) anything happens to plaintiff for filing this Civil Rights Violation Law Suit against defendant Evans (to include all defendants-MDOC employees to include defendants Bryant, Hood, or any other defendant deemed culpable for not guaranteeing plaintiff's safety here at this Gang Infested Prison Facility, that they be prosecuted to the fullest extent of the law, and plaintiff be allowed to re-sue them for any damages (physical) to plaintiff - or if death occurs, plaintiff's Sons, and

Page 5 (B) Section VI (Relief - Continued) (7)

Family be allowed to sue each defendant Separately for deliberant indifference. Plaintiff be awarded the sum of \$5,000.00 against defendant Evans if she is found guilty of violating plaintiff's State and Federal Constitutional Rights.

(11) Plaintiff request a declaration against any State or Federal employee acting under Federal or State law (color of law) that (M.D.C. Employees) - violated MDoc Policy 03.03 (the Professional Code of Conduct) for failure to see to it their subordinate staff guarantee plaintiff be protected from Physical Violence, and for failure to see to it proper measures are taken to screen these violent pronged inmates and to keep them out of the Social General Prison Population.

(12) That the Hon. Court launch its' own independant investigation into why, and how inmates are coming up dead at this Prison Facility - Some because of staff neglect to include medical staff, Some at the hands of these gangbanger gang members beating them so severely they die and the staff cover these heinous acts up. These gang members assault inmates here at SMCI-2 almost on a daily basis and nothing is done to the assailants. At times the guards place inmates they do not like in a housing unit full of gang bangers and tell the gang bangers to teach him a lesson,

Page 5 (B) Section VI (Relief-Continued) (8)

thereby beating/stomping/kicking him into a bloody pulp to the point he may live, may die - then the staff lie and cover it up - this is something that needs investigating starting with questioning the medical staff (seize records and review medical files for the past 10 years. This Prison Facility has a serious problem with Gang violence and assaults. This statement falls within the Conditions and "privileges" as well as Federal and State Constitutional Rights to be free from Gang Assaults and violence.

(13) Plaintiff request this Honorable Court issue a "Gag Order" to all defendants that they are not to discuss the contents of this Civil Action with anyone. Due to the fact that some of these Prison Guards are Gang Members themselves they have ties with these Gang Members inside of these prison walls. Plaintiff has already suffered a brutal and vicious assault by inmate Roy Lee because plaintiff wrote to the Heads of State of the Department of Corrections requesting them to do something about the amount and flow of Contraband coming into this prison facility by prison staff as well as Contract employees coming in on Captian Joy Ross' shift as well as on Defendant Evans shift through the Central Kitchen and Contract employees, i.e. food service

Page (5) (B) Section VI (Relief - Continued) (9)

employees." Somehow word got out about this to the gang members in Unit C-1 on B-Zone and this is why inmate Roy Lee brutally and viciously assaulted plaintiff on July 21st, 2017 at 1:30 AM. Plaintiff has done nothing wrong to be transferred from SMCI-2. Plaintiff is classified as a Dining Hall Worker and does report to work each time he is called for work. Plaintiff is 6 years, 8 months rule violation report free. If it is known by these Organization Members what plaintiff is trying to get changed at this Prison Facility he may once again be brutally and viciously assaulted by Gang Members here at SMCI-2 at or by directions of these Staff Member Organization Members - mainly defendant EVANS - if so everyone involved to include MDOC/SMCI-2 staff be prosecuted under the R.I.C.O. Act and if any involved hold Public Office they be upon conviction be removed from Office, especially defendant EVANS. She is affiliated with the Gangster Organization and she is extremely vindictive towards anyone she feels or believes has crossed her or has done her wrong.

(14) Plaintiff be allowed to call more than Four (4) witnesses for their testimonies to verify that everything

Page 5 (B) Section VI (Relief-Continued) (10)

plaintiff has stated is true and correct.

(15) Plaintiff request this Honorable Court have someone come to SMCI-2 Prep-Room/Dining Halls "unannounced" and give it a over-all Health Inspection as to how the unsanitary Conditions exist daily, e.g. the broken down appliances, how inmates food is prepared and Carted to the inmates in the Housing units, the broken down and constantly leaking plumbing, the overall deplorable inhumane unsanitary Conditions of SMCI-2 Prep Room and Dining Halls. Said report/inspection be given back to this Honorable Court.

(16) Due to all of the complexity of the many many issues plaintiff request Appointment of Counsel because Counsel will best serve the interest of this Hon. Court, and plaintiff as well as all inmates housed at SMCI-2. Plaintiff also request this 42 U.S.C. Section 1983 Civil Action be classified as a "Class Action" on behalf of all inmates housed at SMCI-2. Appointment of Counsel is a must on behalf of all inmates housed here at SMCI-2. Counsel can best present to this Honorable Court a more detailed report of the multiple violations by MDOC/SMCI-2 Staff and the inhumane Conditions, and the causes of inmate deaths at this prison facility within the last 10-15 years.

Page 5 (b) Section VI (Relief-Continued) (11)

(17) Plaintiff pray that this Honorable Court will allow plaintiff to proceed *in forma pauperis*, and grant plaintiff any other relief deemed appropriate and fair.

(18) Plaintiff is suing each defendant in their official as well as in their individual Capacity. Plaintiff list below what he request from each defendant:

(1) Defendant Phil Bryant: Whether or not he got a copy of plaintiffs' two letters informing him about the illegal activities on going by his MDoc Prison Staff here at SMCI-2 and why he took No Steps to correct them, (testimony only.)

(2) Defendant Jim Hood: Whether or not he got a copy of the two (2) letters plaintiff wrote to the U.S. Justice Dept. (F.B.I.) and if so why he took no steps to correct the illegal activities on going here at SMCI-2 by M.D.C./SMCI-2 Prison Staff and Contract employees. (Testimony Only.)

(3) Defendant Pelicia Hall: Whether or not she got plaintiffs' letter dated September 13th, 2017 and if so why she took No Steps to Correct the multiple Violations plaintiff listed in his letter to her? Plaintiff is suing defendant Hall for the Sum of \$500.00 in punitive damages and all Court Cost to include any and all Attorney fees.

(4) Defendant Marshall Fisher: Before he was appointed Commissioner of Public Safety he was M.D.C. Commissioner.

Page 5 (B) Section VI (Relief-Continued) (12)

why he took no measures or steps to correct/rectify the illegal activities on going here at SMCI-2 - Specifically the Gang Violence on the Correctional staff as well as the inmates, as well as the smuggling of drugs among cell phones and other Contraband into SMCI-2 Prison Grounds by M.D.C./SMCI-2 Prison staff as well as State Contract employees. (Testimony only).

(5) Defendant Jerry Williams: Did he have defendant James Cooksey, Chief Investigator of C.I.D. here at SMCI-2 report back to him after defendant Cooksey as well as defendant Houston came to Area 2 and talk to plaintiff on October 31st, 2017 and if not why? Plaintiff is suing defendant Williams in his official and individual capacity and seeks \$500.00 in punitive damages, all Court cost as well as any and all Attorney fees.

(6) Defendant Kinkade: Did he get a copy of the letter plaintiff wrote to defendant Jerry Williams, on or about October 15th, 2017 and if so why he did not take the appropriate steps to see to it these allegations and claims was not investigated and corrected? Plaintiff seeks \$100.00 in punitive damages against this defendant, all Court cost, attorney fees as well.

(7.) Defendant Gibson: Did this defendant get a copy of the letter plaintiff wrote to defendant Williams dated 10/15/2017 and if so why he took no steps

Page 5 (B) Section VI (Relief-Continued) (13)

to investigate and to do something about the contents of the letter to defendant Williams?

Plaintiff seeks \$100.00 punitive damages as well as all Court Cost as well as attorney fees.

(8) Defendants McNeal, Mickens: Did these two defendants receive a copy each of the letter plaintiff wrote to defendant Williams on 10/15/2017 and if so why they took no steps to investigate or contact the Heads of State to correct plaintiffs claims in defendant Williams letter dated 10/15/2017?

Plaintiff seeks \$100.00 from each of these defendants in punitive damages, all Court cost, attorney fees.

(9) Defendant Taggard: Same as defendants McNeal and Mickens, (to include their testimony.)

(10) Defendant Freeze: Same as defendants McNeal, Mickens, and Taggard.

(11) Defendant Turner: Did or did he not receive a letter (or letters) plaintiff wrote to him on August 27th, 2017 and if so why he did not take the appropriate steps to correct the claims plaintiff alleged on going at SMCI-2 by H00C/SMCI-2 staff, as well as the central kitchen? Plaintiff is suing defendant Turner in his Official as well as in his individual capacity. For his failure to take the proper steps to correct these illegal activities here at SMCI-2. Plaintiff seeks

Page 5 (B) Section VI (Relief-Continued) (14)

\$500.00 from defendant Turner, all Court Cost as well as any and all attorneys' fees

(12) Defendant Mississippi Ethics Commission: Did or did not the Mississippi Ethics Commission receive a copy of the letter to M.D.C./ Corrections And Criminal Justice Oversight Task Force mailed by Plaintiff's Cousin Barbara Dexter, letter dated October 16th, 2016, mailed to the Mississippi Ethics' Commission on October 26th, 2016. If so why did the Mississippi Ethics Commission take action to the plaintiffs' allegations outlined in this letter? (Plaintiff seeks the testimony of the Miss. Ethics' Commission as to why it took no action.) Plaintiff also wants to know if the defendant Mississippi Ethics' Commission received a copy of a letter plaintiff wrote to Chief, Criminal Section, Civil Rights Division, U.S. Justice Dept, 950 Pennsylvania Ave., N.W, Washington, D.C. 20530? If so why it failed to take action? Plaintiff mailed this letter to the above address on November 24th, 2017.

(13) Defendant Cooley: Why he failed to do his job and respond to plaintiffs' letter dated October 10th, 2017 and mailed to him on October 19th, 2017, the same day

Page 5 (B) Section VI (Relief- Continued) (15)

plaintiff mailed defendant Lawrence's letter. Plaintiff wants to know why he failed to process all documents required to process plaintiff's A/R/P dated August 8th, 2017. Plaintiff seeks testimony from defendant Cooley, as well as \$500.00 in punitive damages, as well as all Court Cost as well as any and all attorney fees.

(14) Defendant Banks: Defendant Banks is the Superintendent of SMCI-2. All activities at this Prison Facility is her responsibility. Plaintiff wrote her a letter dated September 29th, 2017, attached to this letter was a A/R/P dated August 8th, 2017 plaintiff had filed against defendant Evans about the brutal and vicious assault on plaintiff by inmate Roy Lee. This A/R/P was processed through the Inmate Legal Assistance Program (ILAP) on August 9th, 2017, not August 8th, 2017. To this very day and date plaintiff has not received any response to this A/R/P. Plaintiff wants to know why, and why defendant Banks would not investigate when plaintiff had followed all A/R/P steps, due to her failure to take the appropriate steps to find out why this A/R/P was not handled by defendant Cooley after plaintiff had written him a letter asking him why he would not send to the plaintiff the appropriate paper work/documents for plaintiff to proceed to Court concerning the brutal and vicious

(Insert) (page 1b-a)

Additional Relief Requested of defendant #16

Anthony Lawrence, III, District Attorney for
the Counties of George, Greene, and Jackson, Mississippi:

That this Honorable Court issue a directive to
defendant Lawrence to initiate Criminal proceedings
against inmate Roy Lee pursuant to any and
all applicable laws that govern aggravated assault
with his intentional intent to cause serious
bodily harm upon plaintiff on July 21st, 2018 at
approximately 1:30 AM.

S/ David Gray, Pro-Se

(Plaintiff)

Page 5 (B) Section VI (Relief-Continued) (16)

attack on plaintiff on July 21st, 2017. Plaintiff seeks not only testimony from defendant Banks, plaintiff seeks \$1,000.00 in punitive damages, and all Court Cost as well as all attorney fees.

(15) defendant Doctor MS. E. Woodland: Testimony only about the condition she saw herself plaintiffs' face what inmate Roy Lee did to plaintiff on 7/2/2017.

(16) defendant Lawrence: Plaintiff wrote a letter to defendant Lawrence on October 18th, 2017, sent him a self-addressed stamped envelope for his response to this letter. Plaintiff never received any kind of a response to this letter. Defendant Houston lied to plaintiff, only falsely lead plaintiff on making plaintiff believe he was going to help plaintiff see to it inmate Roy Lee be indicted for aggravated assault and punished for the brutal and vicious assault he perpetrated on plaintiff on July 21st, 2017. Plaintiff seeks \$5,000.00 against this defendant for his intentional failure to investigate and prosecute inmate Roy Lee for aggravated assault on plaintiff, all Court Cost and attorney fees assessed to this defendant, (testimony as well.)

(17) Defendant Cooksey: Plaintiff is suing this defendant for his failure to conduct a adequate investigation into the brutal and vicious assault by inmate Roy Lee

Page 5 (B) Section VI (Relief-Continued) (17)

on July 21st, 2017 on plaintiff and Criminal proceedings initiated against this inmate due to the physical damage i.e. broken nose, fracture under left eye, huge laceration above left eye, extreme and severe swelling and bruising all over plaintiffs' face, left eye turned solid blood red, swollen up so bad to the point plaintiff could not see out of it for at least seven (7) days, Medical records will verify the damage inmate Roy Lee caused plaintiff. Due to defendant Cooksey not pursuing adequate steps to initiate Criminal proceedings against inmate Roy Lee, why no Rule violation Report was written, plaintiff seeks \$500.00 in punitive damages against this defendant for his intentional deliberate indifference towards plaintiff, all Court cost as well as any Attorney fees incurred in this civil action.

(18) Defendant Houston: Plaintiff is suing this defendant for the sum of \$300.00 for lying to plaintiff by telling plaintiff he has enough medical evidence to present to defendant Lawrence for criminal assault charges be brought against inmate Roy Lee, defendant Houston is a Correctional Investigation Department officer and he and defendant Jane Doe worked together when C.I.D. was first notified about the assault on plaintiff.

Page 5 (B) Section VI (Relief - Continued) (18)

Plaintiff also seeks testimony from this defendant.

(19) Defendant Jane Doe: C.I.D. Investigator. Plaintiff is suing this defendant for \$-0- dollars - but for her testimony about what kind of investigation was conducted by defendant Houston and his initial findings of fact about the assault on plaintiff by inmate Roy Lee.

(20) Defendant Richardson: This defendant is a employee of the Mississippi Bureau of Investigations. Plaintiff is suing this defendant in his official as well as in his individual capacity for his failure to take action concerning the contents of plaintiffs' letter to the M.D.C./ Corrections And Criminal Justice Oversight Task Force, and whether or not he received a copy of the letter plaintiff wrote to the MDOC/ Corrections And Criminal Justice Task Force dated October 16th, 2016 and if so why he did not take action to investigate the claims contained therein? Plaintiff is suing this defendant for the sum of \$300.00 for his failure to act and his intentional deliberate indifference to the conditions of SMCI-2.

(21) Defendant Mills: Plaintiff is suing this defendant for his failure to adequately investigate why plaintiff was placed in a housing unit that was on lock down when in fact plaintiff had violated no prison rules to be placed in a

Page 5 (B) Section VI (Relief-Continued) (19)

a housing unit that was on lock-down and denied his privileges he rightly earned through good behavior, defendant mills failure to investigate plaintiff's A/RIP Concerning plaintiff's privileges and rehouse plaintiff to a unit more suitable to offenders his age and was not on lock down status because of what MDOC/SMCI-2 staff was smuggling in, i.e. illegal drugs, tobacco, cell-phones, cell phone charges, amoung free world alcohol. Plaintiff is suing this defendant for the sum of \$300,00, all court cost as well as any attorney fees incurred to this civil action.

(22) Plaintiff request that this Honorable Court grant this 42 U.S.C. Section 1983 civil Rights Action against MDOC/SMCI-2, all named defendants, the overwhelming delapidate, unsanitary conditions of the Prep Room/Dining Halls, the MDOC/SMCI-2 staff and Contract employees smuggling in huge amounts of illegal Contraband (request documentation of the February 3rd, 2018 Major Shake Down of the amount of illegal Contraband found at SMCI-2) the level of Gang Violence, SMCI-2 staff Failure to address and correct gang violence, MDOC/SMCI-2 Shortage of Guards, amoung many other Federal and State Law violations, on behalf of all

Page 5 (B) Section VI (Relief - Continued) (20)

State prisoners this Civil Action be classified as a "Class Action". And appointment of Counsel to be appointed to better serve the ends of justice and to better facilitate this civil action in this Honorable Court. Brutal and vicious assaults (to include deaths) are being committed almost daily at the hands of these gang members (due to the drugs the staff is smuggling into this prison facility), the drug dealers front the drugs out, the inmates can't pay the gang member for the amount of drugs fronted so they gang up and beat the inmate until he is nearly dead - and in certain cases the inmate subcomes to the brutal and vicious brutal assault - all because of the drugs the staff smuggle in. The very people entrusted to be Correctional Officers are nothing more than drug dealers acting under the Color of State Law and until this Honorable Court intervenes State and Federal violations occur daily at SMCI-2 by the Prison Staff! Most inmates are afraid to seek legal help via the Legal System due to the level of gang violence by these gang members per orders of these Prison Staff Gang Members. Inmates who are not affiliated and is housed at this prison facility cry out for this Honorable Court help get this prison facility in Compliance

(Page 5) (B) Section VII (Relief - Continued) (21)

with State and Federal Code.

(23) Plaintiff wants to recapitulate that he is well over 6 1/2 years Rule Violation Report free. Is classified as a dining hall work, has not requested for a transfer and has done Nothing to be transferred from SMCI-2 at the hands of these Uindictive Corrupt prison guards and Staff. Plaintiff does not want to be Moved From SMCI-2 because he (on behalf of all good rule and regulation conforming inmates) is seeking immediate help From this Honorable Court, and that the Heads of State and of M.D.O.C./SMCI-2 be directed that (Nothing) best happen to plaintiff at the hands of these gang members at this prison Facility, lastly, plaintiff request a Spears Hearing to better testify to the dilapidated Conditions at this prison Facility, "as well as any other relief deemed appropriate and just."

End of Relief

S/ David Gray, #01440

Plaintiff / Pro-Se

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

South Mississippi Correctional Institute, Area 2.
Post Office Box 1419
Leakesville, Mississippi 39451-1419

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☐ Do not know

> Some No, Some Yes.

If yes, which claim(s)?

Plaintiffs A/RIP concerning the assault was never responded to, plaintiffs A/RIP concerning the denial of his privileges was responded to.

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

South Mississippi Correctional Institute, Area 2
P.O. Box 1419
Leakesville, Miss. 39451-1419

2. What did you claim in your grievance?

(See Statement of claims and Facts attached.)

3. What was the result, if any? Defendant Evans never responded to Plaintiff's AIRIP about the brutal assault, or defendant Cooley never processed it. The AIRIP plaintiff filed about his privileges and being locked down due to no institutional rule violation all requested relief was denied. (See Statement of claims and Facts attached.)

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Plaintiff appealed step one of his AIRIP to defendant Banks and evaded the truth, thereby denying plaintiff any relief. (See Statement of claims and Facts attached.)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(All claims, facts are set out in plaintiffs' statement of claims and facts attached and how each defendant is associated to this 42 U.S.C. § 1983.)

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☒ Yes

☐ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

Plaintiff cannot remember but it has been at least possibly 15 years ago - or longer.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

All plaintiff can remember is that he had 3 42 USC § 1983 suits dismissed under the 3 strikes rule, cases being ruled as having no merit or frivolous.

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Not since the dismissal of the 3 civil actions in federal courts.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

David Randolph Gray, Pro-se
 David Randolph Gray
 M.D.O.C. No. 01440
 8MCI-2, D-1, A-27 / P.O. Box 1419
 Leakesville, Mississippi 39451-1419
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address